

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

DERRICK ANTHONY MOORE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 1:12-cv-81 (WLS)
	:	
Dr. AIKENS and	:	
ELAINE HUTTO,	:	
	:	
Defendants.	:	
	:	

**ORDER**

Before the Court are Plaintiff Derrick Anthony Moore's motions for relief from judgment. (Docs. 40, 41, 42.) In the motions, Moore continues to seek relief from the Court's June 25, 2013 Order dismissing this action for failure to exhaust administrative remedies. Moore continues to claim the grievance process is unavailable at the Autry State Prison. This time he provides correspondence from the prison Offender Staff Communication Committee and a letter from the Department of Justice acknowledging receipt of Moore's letter. Moore has now filed seven motions for relief from judgment.

Under Federal Rule of Civil Procedure 60, a court may relieve a party from final judgment for, among other reasons, mistake, newly discovered evidence, or "any other reason that justifies relief." Fed. R. Civ. P. 60(b). Moore apparently moves for relief under Rule 60(b)(2), which provides relief for "newly discovered evidence that, with reasonable diligence, could not have been discovered" earlier. Fed. R. Civ. P. 60(b)(2). The Eleventh Circuit has held that a movant under Rule 60(b)(2) must show that (1) the evidence was newly discovered, (2) he exercised due diligence to discover the new evidence, (3) the evidence is not merely cumulative or impeaching, (4) the evidence is

For those reasons, Moore's motions (Doc. 40, 41, 42) are **DENIED**.

/s/ W. Louis Sands  
W. LOUIS SANDS, JUDGE  
UNITED STATES DISTRICT COURT